

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 4315

IN THE MATTER OF:

Served June 9, 1994

Application of WASHINGTON-DULLES)
TRANSPORTATION, LTD., for a)
Certificate of Authority --)
Irregular Route Operations)

Case No. AP-94-16

By application filed April 18, 1994, Washington-Dulles Transportation, Ltd. (WDT or applicant), a Virginia corporation, seeks a certificate of authority to transport passengers, together with mail, express and baggage in the same vehicles as passengers, in irregular route operations between points in the Metropolitan District, restricted to transportation in vehicles with a manufacturer's designed seating capacity of 15 or fewer persons, including the driver.

Notice of this application was served on April 20, 1994, in Order No. 4277, and applicant was directed to publish further notice in a newspaper and file an affidavit of publication, a certificate of good standing and a statement of shareholder interest in M&R Taxi Co., Inc. Applicant complied. The application is unopposed.

SUMMARY OF EVIDENCE

The application includes information regarding, among other things, applicant's corporate status, facilities, proposed tariff, finances, and regulatory compliance record.

Applicant provides taxicab service from Washington-Dulles International Airport under the "Washington Flyer Taxi" tradename pursuant to a contract with the Metropolitan Washington Airports Authority. Applicant's President and Secretary/Treasurer own 75 percent of applicant and 75 percent of M&R Taxi Co., Inc., dba Arlington Blue Top Cab (Blue Top).

Applicant proposes commencing operations with one vehicle seating 9-12 passengers and equipped with two wheelchair lifts, which applicant proposes to lease from Blue Top. Applicant's proposed tariff contains mileage and hourly rates for charter service and a flat rate for airport transfer service.

Applicant filed a balance sheet as of December 31, 1993, showing current assets of \$415,645; net property and equipment of \$292,733; other assets of \$4,576; current liabilities of \$125,430; long-term liabilities of \$86,667; and equity of \$500,857. Applicant's statement of operations for the year ended December 31, 1993, shows revenue of \$1,948,509; costs and expenses of \$1,703,316; and net income of \$245,193. Applicant's projected operating statement for the

first twelve months of WMATC operations shows WMATC revenue of \$54,600; WMATC operating expenses of \$73,000; and a net loss from WMATC operations of \$18,400.

Applicant certifies it has access to, is familiar with, and will comply with the Compact, the Commission's rules and regulations, and United States Department of Transportation regulations relating to transportation of passengers for hire.

DISCUSSION AND CONCLUSION

This case is governed by the Compact, Title II, Article XI, Section 7(a), which provides in relevant part that:

. . . the Commission shall issue a certificate to any qualified applicant . . . if it finds that --
 (i) the applicant is fit, willing, and able to perform [the] transportation properly, conform to the provisions of this Act, and conform to the rules, regulations, and requirements of the Commission; and
 (ii) that the transportation is consistent with the public interest.

Common control of applicant and Blue Top requires authorization under Article XII, Section 3.¹ Under Section 3(c), such authorization will be granted upon a finding of consistency with the public interest.

Based on the evidence in this record, the Commission finds applicant to be fit, willing, and able to perform the proposed transportation properly and to conform with applicable regulatory requirements. The Commission also finds that the proposed transportation and common control of applicant and Blue Top are consistent with the public interest.²

Regarding applicant's intention to lease a vehicle from Blue Top, applicant's attention is directed to Commission Regulation No. 62-02, which mandates that vehicles operated by a carrier as lessee "shall be operated by, and under the complete control of, the lessee, and no other, for the entire period of the lease," and that during said period "neither the lessor nor the lessee shall enter into any other . . . lease or sublease of the same vehicle(s) without the approval of the Commission."

¹ In re Executive Coach, Ltd., No. AP-91-12, Order No. 3666 (Apr. 2, 1991); In re Airport Limo, Inc., No. AP-78-56, Order No. 2001 (June 6, 1979).

² See Order No. 3666 (approving common control of certificated carrier and taxicab company); Order No. 2001 (same).

Applicant is reminded that it may not conduct certificated operations in taxicabs, even on a temporary basis.³

THEREFORE, IT IS ORDERED:

1. That Washington-Dulles Transportation, Ltd., 1008 North Randolph Street, Suite 103, Arlington, VA 22201, is hereby conditionally granted, contingent upon timely compliance with the requirements of this order, authority to transport passengers, together with mail, express and baggage in the same vehicles as passengers, in irregular route operations between points in the Metropolitan District, restricted to transportation in vehicles with a manufacturer's designed seating capacity of 15 or fewer persons, including the driver.

2. That applicant is hereby directed to file the following documents with the Commission: (a) evidence of insurance pursuant to Commission Regulation No. 58 and Order No. 4203; (b) four copies of a tariff or tariffs in accordance with Commission Regulation No. 55; (c) an equipment list stating the year, make, model, serial number, vehicle number, license plate number (with jurisdiction) and seating capacity of each vehicle to be used in revenue operations; (d) evidence of ownership or a lease as required by Commission Regulation No. 62 for each vehicle to be used in revenue operations; (e) proof of current safety inspection of said vehicle(s) by or on behalf of the United States Department of Transportation, the State of Maryland, the District of Columbia, or the Commonwealth of Virginia; and (f) a notarized affidavit of identification of vehicles pursuant to Commission Regulation No. 61, for which purpose WMATC No. 258 is hereby assigned.

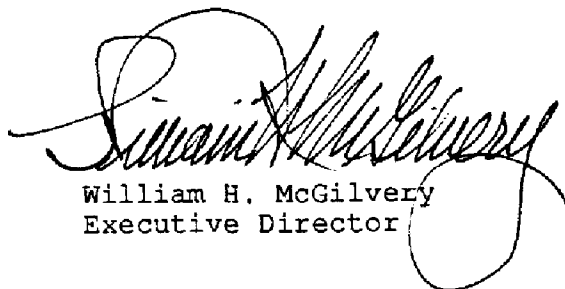
3. That upon timely compliance with the requirements of the preceding paragraph and acceptance of the documents required by the Commission, Certificate of Authority No. 258 shall be issued to applicant.

4. That applicant may not transport passengers for hire between points in the Metropolitan District pursuant to this order unless and until a certificate of authority has been issued in accordance with the preceding paragraph.

³ In re Malek Investment, Inc., t/a Montgomery Airport Shuttle, No. AP-91-44, Order No. 3884 (Feb. 11, 1992); Order No. 2001 at 6.

5. That unless applicant complies with the requirements of this order within 30 days from the date of its issuance, or such additional time as the Commission may direct or allow, the grant of authority herein shall be void and the application shall stand denied in its entirety effective upon the expiration of said compliance time.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS DAVENPORT, SCHIFTER, AND SHANNON:



William H. McGilvery
Executive Director